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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051026
Party	Defendant Home Grown Lacrosse, LLC
Correspondence Address	Michelle P. Ciotola Cantor Colburn LLP 20 Church Street22nd Floor Hartford, CT 06103 UNITED STATES mciotola@cantorcolburn.com, dbruso@cantorcolburn.com, TM-CT@cantorcolburn.com
Submission	Answer
Filer's Name	Michelle P. Ciotola
Filer's e-mail	TM-CT@cantorcolburn.com
Signature	/Michelle P. Ciotola/
Date	08/04/2009
Attachments	2CP3838.PDF (6 pages)(377153 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Registration No.	3,368,803
Filed:	May 10, 2007
Mark:	HOME GROWN LACROSSE
Issued:	January 15, 2008

Homegrown Lacrosse Corporation

Petitioner,

v.

Home Grown Lacrosse, LLC,

Respondent.

Proceeding No. 92051026

ANSWER AND AFFIRMATIVE DEFENSES

Home Grown Lacrosse (“Respondent”), acting by and through the undersigned counsel, hereby submits its Answer to Petitioner HomeGrown Lacrosse Corporation’s (“Petitioner”) Petition for Cancellation (the “Petition”). For the reasons set forth below, the Board should dismiss the Petition and find that Respondent is entitled to registration of United States Trademark Registration No.3,368,803 for HOME GROWN LACROSSE for “Providing lacrosse training services” in International Class 41.

In support thereof, Respondent relies upon the pleadings filed to date and states as follows:

1. Respondent is without information sufficient to admit or deny the allegations in Paragraph 1 of the Petition and must therefore deny the same.

2. Respondent acknowledges that Respondent is identified on the United States Patent and Trademark Office's website as the owner of U.S. Registration No. 3,368,803. Answering further, Respondent denies that U.S. Registration No. 3,368,803 was federally registered on May 10, 2007, but acknowledges that May 10, 2007 is identified on the United States Patent and Trademark Office's website as the filing date of U.S. Registration No. 3,368,803. Answering further, Respondent is without information sufficient to admit or deny the remaining allegations in Paragraph 2 of the Petition and must therefore deny the same.
3. Respondent admits the allegations in Paragraph 3 of the Petition.
4. Respondent is without information sufficient to admit or deny the allegations in Paragraph 4 of the Petition and must therefore deny the same.
5. Respondent denies the allegations in Paragraph 5 of the Petition.
6. Respondent is without information sufficient to admit or deny the allegations in Paragraph 6 of the Petition and therefore must deny the same.
7. Respondent admits the allegations in Paragraph 7 of the Petition.
8. Respondent acknowledges that Petitioner is identified on the United States Patent and Trademark Office's website as the owner of the United States Trademark Application Serial No. 77/582,588 for the mark HOMEGROWN LACROSSE in connection with "Amateur youth sports services, namely, organizing and providing youth sports activities; Encouraging amateur sports and physical education by organizing, sanctioning, conducting, regulating and governing amateur athletic programs and activities; Operation of sports camps; Organisation of sports competitions; Providing a web site featuring information on youth sports; Sport camp services; Sport camps;

Sports training services” but is without information to admit or deny the veracity of this information. Respondent is without information sufficient to admit or deny the accuracy of the allegations in the United States Patent and Trademark Office’s website as to the owner of United States Trademark Application Serial No. 77/582,588 and therefore must deny the same.

9. Respondent acknowledges that Petitioner is identified on the United States Patent and Trademark Office’s website as the owner of the United States Trademark Application Serial No. 77/620,236 for the mark HOMEGROWN LACROSSE in connection with “Hoods; Jerseys; Tops; Wearable garments and clothing, namely, shirts” but is without information to admit or deny the veracity of this information. Respondent is without information sufficient to admit or deny the accuracy of the allegations in the United States Patent and Trademark Office’s website as to the owner of United States Trademark Application Serial No. 77/620,236 and therefore must deny the same.
10. Respondent is without information sufficient to admit or deny the allegations in Paragraph 10 of the Petitioner and therefore must deny the same.
11. Respondent denies the allegations in Paragraph 11 of the Petition.
12. Respondent denies the allegations in Paragraph 12 of the Petition.
13. Respondent denies the allegations in Paragraph 13 of the Petition.

FIRST AFFIRMATIVE DEFENSE

Petitioner does not have federal trademark or trade name rights in the mark that forms the basis for the instant Cancellation.

SECOND AFFIRMATIVE DEFENSE

Petitioner does not have common law rights in the mark that forms the basis of the instant Cancellation.

THIRD AFFIRMATIVE DEFENSE

Petitioner has not used the mark that forms the basis for the instant Cancellation in interstate commerce

FOURTH AFFIRMATIVE DEFENSE

Any use by Petitioner within the United States of the mark that forms the basis for the instant Cancellation has been *de minimis*, and is insufficient to confer trademark or trade name rights upon Opposer.

FIFTH AFFIRMATIVE DEFENSE

Petitioner fails to state a claim upon which relief can be granted.

SIXTH AFFIRMATIVE DEFENSE

Petitioner will not suffer any damages by virtue of the Registration.

SEVENTH AFFIRMATIVE DEFENSE

Petitioner lacks standing to petition for cancellation of Respondent's registration.

WHEREFORE, Respondent demands that the Petition for Cancellation be dismissed, that United States Trademark Registration No. 3,368,803 be maintained, and that the Board grant Respondent such other and further relief as the Board deems just and appropriate.

Dated this 4th Day of August 2009.

RESPECTFULLY SUBMITTED,

BY: 

Michelle P. Ciotola, Esq.

Daniel E. Bruso, Esq.

George A. Pelletier, Jr., Esq.

Cantor Colburn LLP

20 Church Street

22nd Floor

Hartford, CT 06103-3207

Phone: 860-286-2929

Fax: 860-286-0115

E-Mail: TM-CT@cantorcolburn.com

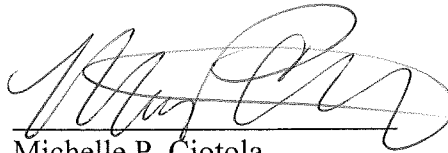
Attorneys for Respondent, Home Grown Lacrosse, LLC

Respondent's Matter Reference No.: HML0007CANCUS

CERTIFICATE OF SERVICE

I, Michelle P. Ciotola, counsel to Respondent in Petition for Cancellation No. 92051026, certify that, on the 4th Day of August, 2009, I served a copy of the foregoing Answer, via first class mail, postage prepaid, upon Petitioner's attorney of record:

Peter J. Gleekel
Bradley J. Walz
225 South Sixth Street, Suite 3500
Minneapolis, MN 55402-4629



Michelle P. Ciotola